

IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA, :
Appellee :
v. : No. 15-4057
BRIAN DAVID HILL :
Appellant :

EMERGENCY REQUEST THAT THE CLERK ACT ON MOTION

COMES NOW Brian Hill to file this EMERGENCY REQUEST with Cathi Bennett to file with the Clerk of the Court Patricia S. Connor, to request that the Clerk act on the Appellant's MOTION TO PROCEED PRO SE (See Doc 16 MOTION TO PROCEED PRO SE, filed February 24, 2015), pursuant to **Local Rule 27(b)**, "Procedural Orders Acted on by Clerk; Reconsideration Thereof." The Appellant consents to the Clerk acting on Document 16 to order that the Appellant proceeds Pro Se upon agreement of the Appellee or in the event the request is unopposed by all parties. Appellee has already given good reasons why he should proceed Pro Se without Court Appointed Counsel. Already Document 15 titled MOTION TO STRIKE DOC 14 (See Doc 14 MOTION TO STRIKE DOC filed February 24, 2015) explains that counsel does not represent the Appellant's argument in response to the MOTION TO DISMISS APPEAL (Doc 6 filed February 5, 2015).

Since the Clerk filed an ORDER for Mark A. Jones to represent Appellant on Appeal then the

clerk can also ORDER the removal of counsel and allow the Appellant to proceed on a Pro Se basis for this Appeal. The Appellant has faxed the REQUEST to the Appellee prior to faxing to The Court as an EMERGENCY REQUEST for asking approval or non-opposition to this request to allow the Clerk to Act on the MOTION TO PROCEED PRO SE (See Doc 16 MOTION TO PROCEED PRO SE, filed February 24, 2015).

Therefore, I request that the Clerk of the Court of the U.S. Court of Appeals Act on the MOTION TO PROCEED PRO SE.

Respectfully submitted,

Brian D. Hill
Signed

Brian D. Hill (pro se)
916 Chalmers St. - Apt. D, Martinsville, VA 24112
Phone: (276) 632-2599

CERTIFICATE OF SERVICE

I hereby certify that service was made by facsimile
of a true and correct copy of the foregoing
EMERGENCY REQUEST THAT THE CLERK ACT ON MOTION
by Fax Machine,

on April 6, 2015 addressed to:

Mr. Anand P. Ramaswamy
Assistant United States Attorney
101 South Edgeworth Street
Greenboro, NC 27401
Fax: (336) 333-5381

And to:

Mr. Mark A. Jones
BELL, DAVIS & PITT, PA
P. O. Box 21029
Suite 600
Winston-Salem, NC 27120-1029
Fax: (336) 714-4101

Note: Fax Transmission Ticket attached to this CERTIFICATE OF
SERVICE as proof of service.

Brian D. Hill
Signed

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916 Chalmers St. - Apt. D
Martinsville, VA 24112
Phone: (276) 632-2599

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v. : No. 15-4057
BRIAN DAVID HILL :
Appellant :

REASONS FOR FACSIMILE FILING OF
EMERGENCY REQUEST THAT THE CLERK ACT ON MOTION

COMES NOW Brian Hill to state multiple valid reasons why
the Facsimile of the EMERGENCY REQUEST THAT THE CLERK ACT ON
MOTION is necessary and is compliant under **Local Rule 25(b)**.

"Use of Facsimile Equipment, Service, Certificate of Service.

Citing from Rule 25(b),

"Documents may be transmitted for filing by use of facsimile
transmission equipment only when an **emergency situation exists**
and advance permission has been
obtained to use the clerk's office facsimile equipment."

The reason this EMERGENCY REQUEST was not filed last month was
that the Appellant assumed that the U.S. Court of Appeals would
have acted on the Pro Se Motion filed by the Appellant in
February, and for the first reason stated in Page 2.

Since the Motion was not ruled on as of yet, Appellant has
decided to Fax the EMERGENCY REQUEST THAT THE CLERK ACT ON
MOTION and state multiple valid reasons as to why to he
Believed he is compliant with the Local Court rules.

1. The Appellate counsel Mark A. Jones has been targeted by an anonymous threatening email in an attempt to derail the Appellant's Appeal, which is attached to this filing which states the reasons for such emergency request. Appellant had reported the threatening message via Fax to the Richmond, VA FBI field Office and waited over a month for the FBI to find the culprit. Since no culprit has been found, the Appellant has decided to file the EMERGENCY REQUEST since the threat has influenced Appellant counsel. The threatening email came to the attention of Appellant Counsel prior to his electronic filing of Doc 14 (RESPONSE TO GOVERNMENT'S MOTION TO DISMISS APPEAL) which was filed on February 17, 2015 by Mark Jones without consent or discussion with Appellant and does not represent the Appellant's argument in response to the MOTION TO DISMISS APPEAL (Doc 6 filed February 5, 2015).
2. The Appellate counsel Mark A. Jones has had prior ties with the U.S. District Court Chief Judge William L. Osteen Jr. and Sr. as a law clerk for both of those Judges prior to being appointed as counsel for the Appellant which carries a risk for a possible conflict of interest since the Appeal is of a Judgment by William L. Osteen Junior.
3. The Appellant is barred from using the Internet while under the sentence of Supervised Release, without the permission of his Probation Officer. Which means that the Appellant cannot electronically file through the ECF/CM system as a Pro Se filer.
4. The U.S. Postal Service takes beyond 3-4 days for a mailing to arrive at the U.S. Court of Appeals in Richmond, VA from the Appellant who lives in Martinsville, VA. The Appellant feels that under the current circumstances it was necessary to file the EMERGENCY REQUEST via facsimile.

Therefore, I state multiple valid reasons why I had to file the EMERGENCY REQUEST with the Clerk of the Court of the U.S. Court of Appeals using Facsimile equipment.

Respectfully submitted,

Brian D. Hill
Signed

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